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AUG 18 2017 **IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

U.S. District Court
Eastern District of MO

Carol Whitley,)
Petitioner)
vs) Civil Action No. 4:17-cv-02075
FLAGSTAR BANK, F.S.B. and) (Filed in the Circuit Court of St. Louis County
MILLSAP & SINGER, PC) Cause No. 17SL-CC02163)
Respondents)

**RESPONSE TO MOTION TO TRANSFER TO FEDERAL COURT AND MOTION TO
DENY TRANSFER TO FEDERAL COURT**

COMES NOW, Carol Whitley, Sui Juris, ("Whitley"), Petitioner, responds to FLAGSTARS BANK, F.S.B. motion to transfer to Federal Court the following:

Circuit Court of St. Louis County Cause No. 17SL-CC02163.

Whitley motions to Deny a Notice of Removal from State Court to Federal Court by Respondent with this Notice To Deny Transfer To Federal Court. A motion to Deny Transfer to Federal Court was filed in the Circuit Court of St. Louis County Cause No. 17SL-CC02163.

1. A copy of the Motion To Deny Transfer To Federal Court, filed August 11, 2017 is attached as Exhibit A.
2. Respondents' motion to transfer to Federal Court is Moot.
3. No Controversy. There can be no controversy when parties are in agreement, by their consent (Exhibit A).
4. No Diversity. FSB (FLAGSTAR BANK) had no issues of diversity in 2014, with case no. 14SL-CC02635.
 - a. On May 26, 2015, Petitioner filed a Rescission (Exhibit B) and received no response from Respondent. Petitioner's alleged loan, according to Jesinowski v Countrywide,

homeowner has 3 years from consummation of loan to rescind, they squandered their opportunity. Petitioner perfected on the alleged loan, never consummated. Respondent agreed by their consent.

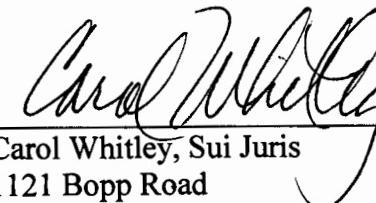
- b. Therefore, by their silence affirmed Petitioner's procedure. Respondents failed or refused their opportunity given.
- c. On April 17, 2017, Petitioner filed a Revocation and Collapsed the Deed of Trust, (Exhibit C)

Any notices or claims made by RESPONDENTS with regards to 1121 Bopp Road, St. Louis, Missouri 63131 ("Property") are hereby rebutted for the previously stated reasons.

WHEREFORE, Petitioner moves this court to grant motion to remand transfer and to deny Respondent's Motion to Dismiss and to keep this action in the State court.

Date: August 18, 2017

Respectfully submitted,



Carol Whitley, Sui Juris
1121 Bopp Road
St. Louis, MO 63131

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following through the courts ECF system or by ordinary mail, postage pre-paid, Email or fax transmission on this day 18th of August 2017.



Carol Whitley

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